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Attorneys for Defendant JJ and W Company

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICK FUTIA,

Plaintiff,

v.

JJ AND W COMPANY,

Defendant.

CASE NO. C 07 4360 HRL

**STIPULATION AND ORDER TO  
EXTEND TIME FOR (1) FILING  
RESPONSE TO COMPLAINT BY  
DEFENDANT (2) TIME IN WHICH  
TO COMPLETE INITIAL  
DISCLOSURES AND (3) LAST DAY  
FOR PLAINTIFF TO FILE NOTICE  
OF NEED FOR MEDIATION**

Action Filed:

August 23, 2007

Trial Date:

Not set

TO THE COURT AND ALL PARTIES APPEARING ON RECORD:

Plaintiff RICK FUTIA ("Plaintiff") and Defendant JJ AND W COMPANY ("Defendant"), by and through their respective attorneys of record do hereby stipulate and agree to the following amendments to the Case Schedule in the above matter:

(1) The time for Defendant to respond to Plaintiff's complaint shall be extended up to, and including **January 31, 2008**.

(2) The last day for the parties to complete initial disclosures, including defendant's disclosures re: construction or alteration history of subject premises shall be

Nov-12-07 03:17pm From-

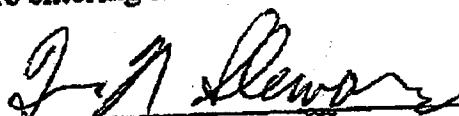
T-840 P.04/04 F-798

1 extended up to, and including 10 days after either party files a notice of need for  
2 mediation.

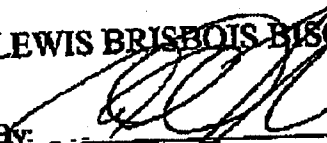
3 (3) The last day for plaintiff to file notice of need for mediation shall be extended  
4 up to, and including February 15, 2008.

5  
6 These extensions of time are in no way intended to delay disposition of this action.  
7 The parties are working toward amicably resolving this matter and hope to achieve  
8 resolution on or before January 31, 2008. The parties have agreed to a site  
9 inspection scheduled for November 20, 2007. The extensions of time agreed to are  
10 required to allow the expert to produce a report of the site inspection and for the  
11 parties to evaluate that report, before entering into further negotiations.

12  
13 DATED: November 13, 2007

  
Thomas N. Stewart, III  
Attorney for Plaintiff RICK FUTLA

14  
15 DATED: November 13, 2007

LEWIS BRISBOIS BISGAARD & SMITH LLP  
  
By: Charles O. Thompson  
Paul S. Cowie  
Attorneys for Defendant JJ and W Company

16  
17  
18  
19  
20 **ORDER**

21 Based upon the foregoing Stipulation:

22 IT IS HEREBY ORDERED that the parties shall have through and including  
23 the dates listed above in which to file a Response to Plaintiff's Complaint, complete  
24 initial disclosures and file notice of need for mediation in the above referenced  
25 matter.

26  
27 DATED: \_\_\_\_\_, 2007

Honorable Howard R. Lloyd  
Magistrate Judge